**EC05/069 - Unauthorised Static Caravan - Land at Clegyr Boia, St Davids, Pembrokeshire, SA62 6RS**

Background

Officers were made aware of the siting of a static caravan at this site which is positioned to the south west of Clegyr Boia farm. Visits were undertaken in 2005 although officers were unable to gain contact with the owner at the time and it is understood the unit was not being used for residential purposes. It would appear that the caravan remained on site in 2006 although not occupied. Records show that in 2009 the caravan remained on site although it was also noted that a touring caravan was moved onto the site.

On recent review of this case it has been noted that the touring caravan has been removed from the site yet the static caravan has remained on site. The static caravan is being used for residential purposes.

Details of the Breach

The stationing on the land of a caravan for residential use.

Action Pursued to Date

Following a recent review of this case a planning contravention notice was served in July 2011.

Officers have since met the occupier of the caravan sited on the land at the site on 14th November 2011 and have spoken to the owner who resides in Derby.

The owner has advised that the static caravan will be removed from the site although asked for a time period to enable this to happen. The current occupier of the caravan uses the caravan for residential purposes although also attends to the fields and site matters for the owner.

Officers explained that as the site ownership had only recently changed and no request had been made to the new owner to remove the caravan that a timescale to allow this to occur would be acceptable although were concerned about this breach of planning control.

Officers wrote to the owner on 17th November 2011 requiring that the caravan and all paraphernalia associated with the caravan and its use are removed from the site by 17th February 2012.

Given the history of the site and the lack of any formal action officers consider it prudent to seek authorisation to require the removal of the caravan should the owner not comply with the request to remove the caravan from the site within the timeframe agreed.

## Planning History

No planning history

Policy

The Development Plan for the area comprises the Pembrokeshire Coast National Park Adopted Local Development Plan 2010-2021 (LDP) and within which the following policies are of relevance:

POLICY 1 – NATIONAL PARK PURPOSES AND DUTY

POLICY 7 – COUNTRYSIDE

POLICY 8 – SPECIAL QUALITIES

POLICY 15 – CONSERVATION OF THE PEMBROKESHIRE COAST NATIONAL PARK

POLICY 38 – CAMPING, TOURING CARAVANS, STATICS AND CHALET SITES

Reasons for Serving an Enforcement Notice

The site lies within an area of land designated within the Local Development Plan as being within the Countryside. Policy 7 of the Local Development Plan requires new housing in the open countryside to be for essential needs of farming or forestry. TAN 6 broadens the requirement for new or temporary dwellings to demonstrate a clear functional and financial need. The residential use of the existing static caravan at the site has not been demonstrated as being for essential need for the small land holding presently involved and accordingly fails to comply with the requirements of Policy 7.

The caravan and its associated paraphernalia domesticates the appearance of this agricultural land in an unacceptable way to the detriment of wider visual amenity and the special qualities of the National Park which the Authority has a duty to conserve or enhance.

Officers are concerned in respect of the duration in which this caravan has been sited and used on the land in an uncontrolled manner and wish to ensure the land is returned to its former condition as an unspoilt agricultural field.

Conclusions

That, in view of the issues identified in the paragraphs above, it is considered expedient to pursue action through the service of an enforcement notice to require the owner to remove the caravan from the site.   
  
Resource Implications (Financial and Employment)

Any costs involved in drafting and issuing Notices, attending enquiries and undertaking monitoring work can be met within the departmental budget. There are no employment issues.

Legal Implications (to include Human Rights Implications)

If an Enforcement Notice is served, the recipient has a right of appeal under Section 174 of the Town and Country Planning Act 1990 (as amended).

The Action is founded in law. The proposed action may have implications for

the occupying individual’s rights referred to in the Human Rights Act 1998, in

particular Article 8 – the right to respect for private and family life. However, in

view of the unjustified and inappropriate nature of the development and the

fundamental conflict this development has with the Authority’s responsibility to

protect the countryside and National Park from unjustified and inappropriate development, the actions proposed are, on balance, considered to outweigh any rights the individual has under the 1998 Act.

Equal Opportunities Implications (to include Welsh Language Issues)

None.

RECOMMENDATION

That the Head of Development Management be authorised to serve an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 (as amended) to require:

Cease the stationing on the land of a caravan for residential use

Remove from the land the caravan and all associated paraphernalia including gas bottles, concrete blocks and any domestic type materials

Period for compliance

The period for compliance is recommended as being 4 months from the date of service.

Reason for Recommendation

The development represents an unjustified and visually intrusive form of development located in the open countryside of the National Park. The static caravan which is being used for residential use has not been demonstrated as being essential for the farming needs of the holding and is a wholly inappropriate use in this location. The development as such is considered to be contrary to the terms and aims of Policy 1: National Park Purposes and Duty, Policy 7: Countryside, Policy 8: Special Qualities, Policy 15: Conservation of the Pembrokeshire Coast National Park and Policy 39: Camping, Touring Caravans, Statics and Chalets of the Pembrokeshire Coast National Park Local Development Plan 2011-2021 and National Guidance contained within Technical Advice Note 6.

Background Papers

Enforcement File Ref: EC/05/069